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CHAPTER I CIVIL ADMINISTRATION

ARTICLE I - MAYOR AND CITY COUNCIL

SECTION 1-101: CORPORATE EXISTENCE

The City of Valley, Nebraska, is hereby declared to be a city of the second class and shall be governed in all respects by the laws regulating cities of the second class. ▫

SECTION 1-102: CITY COUNCIL; NUMBER AND QUALIFICATIONS OF MEMBERS

The elected officials of the City shall consist of a mayor and four council members who shall be citizens of the United States, residents of the City and registered voters. A council member's term shall expire and the office become vacant upon his/her removal or change of residence from the City. The council members shall qualify and meet on the first regular meeting in December following their election. ▫
(Ref. Neb. Rev. Stat. §17-103)

SECTION 1-103: ELECTION OF CITY OFFICIALS

The term of office of the mayor and City Council is four years. Those members elected in 2004 shall continue to hold their office until December, 2008. Those members elected in 2006 shall continue to hold their office until December, 2010. Two council members' terms shall expire every two years. The election of the council members shall be held on the date of the statewide general election. ▫

SECTION 1-104: MAYOR; DUTIES AND POWERS

1. The mayor of the City may: ▫
 - A. Require any city official to exhibit his/her accounts at reasonable intervals and make reports to the Council on any subject pertaining to his/her office. ▫
 - B. Remove an appointed police officer of the City at any time, subject to such officer's right of appeal as set forth herein. ▫
2. The mayor shall: ▫
 - A. Have the general and immediate control over all property and officials of the City. ▫
 - B. Preside at all meetings of the City Council and may vote when his/her vote shall be decisive on any pending matter, legislation or transaction; and shall, for the purpose of such vote, be deemed to be a member of the Council. ▫

- C. Sign the city clerk's minutes of all meetings, all resolutions which have been passed, and warrants for the payment of money when ordered by the City Council; provided, any ordinance vetoed by the mayor may be passed over his/her veto by a two-thirds vote by the members of the City Council, but if the mayor neglects or refuses to sign any ordinance and returns it to the Council with his/her objections in writing at the next regular council meeting, the same shall become a law without his/her signature. ▫
- D. From time to time communicate to the council such information and recommendations as, in his/her opinion, may improve the City. ▫
- E. Have such other duties as the City Council may by resolution confer upon him/her. ▫

3. The mayor's territorial authority shall extend over all places within five miles of the corporate limits of the City for the enforcement of any health ordinance, and one-half mile in all matters vested in him/her except taxation. ▫

4. Any candidate for mayor must be a registered voter and resident of the City prior to filing for the said office. ▫
(Ref. Neb. Rev. Stat. §17-107, 17-110 through 17-117)

SECTION 1-105: MAYOR; VACANCY

1. Whenever a vacancy occurs in the office of mayor, or in case of his/her disability or absence, the president of the Council shall exercise the office of mayor until such vacancy is filled or such disability is removed, or in the case of temporary absence, until the mayor returns. ▫

2. When the successful candidate for mayor shall be unable to assume office, the incumbent mayor shall not be entitled to hold over the term; such office shall automatically become vacant and the president of the Council shall exercise the office of mayor until such vacancy is filled. ▫

3. If the president of the Council shall assume the office of mayor for the remainder of the unexpired term for any reason, there shall be a vacancy on the Council which shall be filled as provided herein. ▫
(Ref. Neb. Rev. Stat. §17-107)

SECTION 1-106: PRESIDENT OF COUNCIL; ACTING PRESIDENT

In case of any vacancy in the office of mayor, or in case of his/her disability or absence, the president of the Council shall exercise the office of mayor until such vacancy is filled or such disability is removed or, in case of temporary absence, until the mayor returns. In the absence of the president, the Council shall elect one of its own body to occupy his/her place temporarily, who shall be styled "acting president of the Council." The president and acting president, when occupying the place of the mayor, shall have the same privileges as other members of the Council; and all

acts of the president or acting president, while so acting, shall be as binding upon the Council and upon the City as if done by the mayor. ▫

(Ref. Neb. Rev. Stat. §17-148)

SECTION 1-107: SUCCESSION OF CONTROL

In order to designate the succession of control of the City and to declare and control a disaster or emergency when the mayor is not present or is unable to act as the principal executive officer of the City, then the following is the procedure used to determine who is next in line to fulfill those duties and responsibilities: ▫

1. If the mayor is not present or is incapable of performing his/her duties in order to declare a disaster or emergency and/or act as principal executive officer in a disaster or emergency situation, then the president of the City Council shall perform those functions and duties. ▫

2. Should the president of the Council not be present or be unable to perform said functions and duties, then the council member who has continuously served in such capacity for the longest period of time shall perform those duties and functions.

3. The line of succession for the remaining elected officials shall follow by seniority from the date originally elected or appointed. If more than one council member has the same date of seniority, then the most senior in age shall assume control. ▫

SECTION 1-108: VACANCIES IN CITY OFFICES

1. Except as otherwise provided in subsection (2) or (3) of this section, vacancies in elected offices shall be filled by the City Council for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the City Council at a regular or special meeting and shall appear as a part of the minutes of such meeting. The City Council shall give public notice of the vacancy immediately by causing to be published in a newspaper of general circulation within the City or by posting in three public places in the City the office vacated and the length of the unexpired term. ▫

2. The mayor shall place the issue of filling such vacancy on the agenda at the next regular meeting of the City Council or call a special meeting, at which time he/she shall submit the name of a qualified, registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur after the death of the incumbent or within four weeks after the meeting at which such notice of vacancy has been presented. The City Council shall vote upon such nominee, and if a majority votes in favor of him/her, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the mayor shall submit the name of another qualified registered voter to fill the vacancy at the next regular or special meeting. If the subsequent nominee

fails to receive a majority of the votes, the mayor shall continue at such meeting to submit the names of qualified registered voters in nomination and the City Council shall continue to vote upon such nominations until the vacancy is filled. All council members present shall cast a ballot for or against the nominee. Any member of the City Council who has been appointed to fill a vacancy on the Council shall have the same rights, including voting, as if such person were elected. ▫

3. The City Council may, in lieu of filling a vacancy in the elected office as provided in subsection (1) of this section or subsection (3) of Neb. Rev. Stat. §32-568, call a special city election to fill such vacancy. ▫

SECTION 1-109: RESIGNATIONS

All resignations of the mayor and Council members shall be in writing and submitted to the City Council for acceptance. Resignations shall not be effective until accepted by formal action of the Council. No resignations shall be accepted unless a quorum for conducting business will remain after such acceptance. ▫

SECTION 1-110: CITY COUNCIL; POWERS

The Council shall have all powers granted under the laws of the State of Nebraska, including but not limited to the following: (1) to pass ordinances to prevent and remove nuisances; (2) to prevent, restrain and suppress gambling and disorderly houses; (3) to license and regulate amusements; (4) to establish and provide for police protection; (5) to prevent the spread of contagious diseases; (6) to regulate business; (7) to erect, repair, construct and regulate public ways and property; (8) to maintain good government, public welfare and domestic tranquillity; and (9) to enforce all ordinances by assessing penalties upon inhabitants or other persons for violation thereof, not exceeding the amount permitted by Nebraska law for each offense, recoverable with costs, together with enforcement by injunction where necessary. ▫

SECTION 1-111: OFFICERS' SALARIES

1. All elected officers shall receive such compensation as the Council shall fix by Ordinance. The emoluments of elective officers of this city shall be neither increased nor decreased during the term for which elected or appointed, except by merger of offices or when there are other officers elected or appointed to the Council and the terms of one or more members commence and end at different times. The compensation of all members of the Council may be increased or diminished at the beginning of the full term of any member thereof. The officers' salaries shall be set by ordinance of the City Council and will be available for public inspection at the office of the city clerk. ▫

2. No person who has resigned or vacated any office shall be eligible to the same during the time for which he/she was elected or appointed, if during the same

time the emoluments thereof have been increased. In addition to the salaries herein provided, the various officers shall be entitled to mileage and expenses, if and when claims therefor are filed, audited and allowed. The mayor and Council may by resolution authorize clerical assistance in one or more offices when the same may be needed, and claims therefor out of the proper funds may be presented, allowed, audited and paid. All fees earned by an officer of this city in the performance of his/her duties as such shall be considered the property of this city and shall be promptly paid over to the city treasurer and credited to the appropriate fund. ▫
(Ref. Neb. Rev. Stat. §17-108.02, 17-612)

SECTION 1-112: COMPENSATION; CONFLICT OF INTEREST

1. For purposes of this section, "officer" shall mean any member of any board or commission of the City; or any appointed official if such official (A) serves on a board or commission which spends and administers its own funds and (B) is dealing with a contract made by such board or commission; or any elected city official. ▫

2. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be subject to the provisions herein. ▫

3. No officer of the City shall be permitted to benefit from any contract to which the City is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the City or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor or services furnished under the contract to the extent that the City has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child: ▫

- A. Has a business with which the individual is associated or business association which shall mean a business: (i) in which the individual is a partner, director or officer; or (ii) in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest, or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest; or ▫
- B. Will receive a direct pecuniary fee or commission as a result of the contract; provided, however, if such officer is (i) an employee of the business involved in the contract and has no ownership interest or (ii) will not receive a pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section. ▫

4. The provisions of this section shall not apply if the interested officer:
 - A. Makes a declaration on the record to the governmental body responsible for approving the contract regarding the nature and extent of his/her interest, prior to official consideration of the contract;
 - B. Does not vote on the matter of granting the contract, except that if the number of members of the Council declaring an interest in the contract would prevent the Council, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and
 - C. Does not act for the City as to inspection or performance under the contract in which he/she has an interest.

5. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any city by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of Subsections A through C above, if an officer's parent, spouse or child is an employee of the City, the officer may vote on all issues of the contract which are generally applicable to all employees, or all employees within a classification, and do not single out his/her parent, spouse or child for special action. If an officer has the power to employ personnel and he/she hires his/her parent, spouse or child, such officer shall disclose the hiring pursuant to subsections A through E below. However, if the parent, spouse or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the City.

6. The city clerk shall maintain, separately from other records, a ledger containing the information listed in subsections A through E of this section about every contract entered into by the City in which an officer has an interest as specified above for which disclosure is made as provided in subsections A through C above. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include:

- A. Names of the contracting parties;
- B. Nature of the interest of the officer in question;
- C. Date that the contract was approved by the City;
- D. Amount of the contract; and
- E. Basic terms of the contract.

7. The information supplied relative to the contract shall be provided to the clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during normal working hours. ▫

8. An open account established for the benefit of this city or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section. ▫

9. Any officer who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor. Any officer who negligently violates this section shall be guilty of a Class V misdemeanor. ▫

10. The City may enact ordinances exempting from the provisions of this section contracts involving \$100.00 or less in which one of its officers may have an interest. ▫

11. No officer shall receive any pay or perquisites from the City other than his/her salary. The City Council shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service or duty which shall come within the proper scope of the duties of any officer of the City. ▫

(Ref. Neb. Rev. Stat. §17-611, 18-305 through 18-312, 49-14, 103.01 through 49-14, 103.03, 70-624.04)

SECTION 1-113: ELECTED OFFICIALS; QUALIFICATIONS; RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE

1. Elected officials shall be residents and registered voters of the City. ▫
2. The mayor and members of the Council shall hold no other elective or appointive office or employment with the City. ▫
3. For purposes of this section:
 - A. "Elective office" means any office which has (i) candidates nominated or elected at the time of a statewide primary election; (ii) candidates nominated at the time of a statewide primary election and elected at the time of a statewide general election; (iii) candidates elected at the time of a statewide general election; (iv) candidates nominated or elected at a city election; and any office created by an act of the Legislature which has candidates elected at an election and includes an office which is filled at an election held in conjunction with the annual meeting of a public body

created by an act of the Legislature; ▫

B. "High elective office" means a member of the Legislature, an elective office described in Article IV, Sections 1 or 20, or Article VII, Sections 3 or 10 of the Nebraska Constitution, or a county, city or school district elective office. ▫

(Ref. Neb. Rev. Stat. §17-108.02, 32-109, 32-603, 32-604)

ARTICLE II - APPOINTIVE OFFICERS

SECTION 1-201: APPOINTIVE OFFICERS

The mayor, at the first regular meeting of the City Council held after he/she takes office or as soon after as he/she can reasonably do so, may appoint, with the advice and consent of the Council, a city clerk, city treasurer, city engineer, city attorney, city police chief, public works superintendent and water superintendent. The mayor shall also appoint whatever other officials of the City he/she deems necessary, who shall serve at the pleasure of the City Council. ▫

(Ref. Neb. Rev. Stat. §17-107, 17-541)

SECTION 1-202: MERGER OF OFFICES

The City Council may, in its discretion, by ordinance combine and merge any elective or appointive office or employment, except the mayor or a City Council member, with any other elective or appointive office so that one or more of such offices may be held by the officer or employee at the same time. Any offices so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. ▫

SECTION 1-203: ADMINISTRATOR/CLERK/TREASURER POSITION CREATED; DUTIES AND POWERS

1. There is hereby established the office of city administrator. Said office is hereby merged and combined with the appointive offices of city clerk and city treasurer. The merged and combined offices shall be known as city administrator/clerk/treasurer. ▫

2. The city administrator/clerk/treasurer shall be the chief administrative officer of the City and shall serve as administrative agent for the mayor and City Council in the supervision of the offices and good government of the City. All departments of the City, except the Police Department, shall be under the administrative supervision and direction of the city administrator/clerk/treasurer, and the mayor and City Council shall deal with all departments of the City and employees through the city administrator/clerk/treasurer. Such office shall be filled by appointment of the mayor by and with the consent of the City Council, and the person filling such office shall serve at the mayor's pleasure. ▫

3. In the performance of this employee's role as chief administrative officer of the City, the city administrator/clerk/treasurer shall have the following duties and powers: ▫

- A. Maintain all city, general, utility, payroll, revenue sharing and bond retirement financial records and reports. □
- B. Supervise payroll, maintain permanent payroll records, collect payroll deductions and remit the same according to law. □
- C. Administer city comprehensive, business, employee health, dental, self-insurance, workmen's compensation, unemployment and other insurance programs and employee retirement programs. □
- D. Serve as city personnel director. □
- E. Assist and supervise all city department heads in general operation of their departments, but not to include the making of operational decisions made by said department heads. In pursuance of this provision, the city administrator/clerk/treasurer shall meet monthly with department heads. □
- F. Supervise personnel evaluation programs. □
- G. Prepare and submit to the mayor annual evaluations of all city personnel under his/her supervision. □
- H. Supervise city office personnel. □
- I. Coordinate employment application procedures and interviews. □
- J. Generally supervise the city zoning officer/building inspector and his/her assistants. □
- K. Serve as city purchasing agent for all departments. □
- L. Assume general responsibility in conjunction with department heads for maintenance of perpetual inventories for each department. □
- M. Assume general responsibility for accident, injury and damage reports and supervision over monthly department safety meetings. □
- N. Attend City Council, board, commission or committee meetings when indicated. □
- O. Assume general responsibility for budget preparation and periodic budget reports to mayor and City Council. □

SECTION 1-204: CITY CLERK; DUTIES

The duties of the city clerk will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council. The city clerk shall have custody of all laws and ordinances. He/she shall: □

1. Keep a current journal of the proceedings of the City Council. □
2. Maintain a complete record of all outstanding bonds against the City, showing the number and amount of each, for and to whom the said bonds were issued and all other pertinent information in regard to said bonds. □
3. Take possession of all books, papers and all other official records of the City and maintain said records in a safe place. □
4. Have custody of the seal of the City and all written official papers. □

5. Attend the meetings of the City Council and keep a minute record of the proceedings thereof. ▫

6. Maintain an account of all of the appropriations of the several funds of the City. ▫

7. Draw, sign and attest all warrants ordered for payment on a particular fund from which the same is payable, and at the end of each month make a report of the amount appropriated to each fund and the amount of warrants drawn thereon.

8. Attest to the mayor's signature when necessary and attach the city seal to all official documents. ▫

9. Whenever any claim presented by any person has been disallowed by the City Council, notify said claimant of said disallowance by the Council within five days after such disallowance. ▫

10. Account for all money received in the normal course of city business and keep a proper record of all monies received, issuing a proper receipt to those parties making payment to the account of the City. ▫

11. Publish all notices required in the performance of his/her duties and keep a record of all published notices; keep a record of the publisher's affidavit of said publication if said notices are published in a legal newspaper. ▫

12. Maintain all books and public records of the City for public inspection by any resident of the City during normal business hours. ▫

13. Make a notation on all correspondence received as to the date of receipt and, as soon as possible, convey said correspondence to the appropriate official of the City. ▫

14. Keep and maintain all other legal papers required to be maintained by these ordinances or by Nebraska state law. ▫

15. Maintain a minute book wherein shall be recorded all of the formal and informal actions of the mayor and City Council, and maintain a record of the various ordinances and resolutions passed by the Council. The minutes of any meeting of the Council shall be written and available for public inspection within ten working days of the meeting or prior to the next convened meeting, whichever occurs earliest, except that an additional ten days shall be allowed for writing and making available for inspection such minutes in the event of the clerk's serious illness or an emergency which prevents him/her from writing such minutes and making them available to the general public within ten working days as set forth herein. ▫

(Ref. Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712)

SECTION 1-205: CITY TREASURER; DUTIES

The duties of the city treasurer will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council. The city treasurer shall: ▫

1. Deposit, and at all times keep on deposit for safekeeping, in banks or other institutions of approved and responsible standing, all money collected, received or held as treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the City for the receiving and holding thereof. A bond or pledged securities shall be required from all banks or financial institutions in which municipal funds are deposited in any amount exceeding that amount insured by the Federal Deposit Insurance Corporation. ▫

2. Keep a separate account of each and every fund or appropriation and the debits and credits belonging to the City. ▫

3. Provide a receipt for anyone paying money into the city treasury if such person requests a receipt, specifying the date of payment and on what account paid, and also file copies of said receipts with his/her monthly reports made to the mayor and City Council. ▫

4. At the end of each month and as often as may be required, render a report to the mayor and City Council showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance in the treasury; and accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid which, with any and all vouchers held, shall be filed with his/her accounts in the city clerk's office. ▫

5. Keep a record, in a book suitable for that purpose, of each and every warrant paid and from what fund paid. ▫

6. Procure and keep a warrant register which shall show the number, date and amount of each warrant presented and registered as hereinafter provided, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the same is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when the notice to such person in whose name such warrant is registered is mailed as hereinafter provided. It shall be the duty of the city treasurer, upon presentation of any warrant for payment, in the presence of such person to enter such warrant in the warrant register for payment in the order of its presentation and, upon every warrant as presented and registered, endorse "Registered for Payment" with the date of such registration and register number; and sign such endorsement, whereupon such warrant shall draw interest at the legal rate from the date of registration until notice of payment shall be given to the holder as provided by law. ▫

(Ref. Neb. Rev. Stat. §17-606 through 17-609, 84-712)

SECTION 1-206: CITY TREASURER; MONTHLY REPORT

The city treasurer shall, at the end of each month and as often as may be required, render a report to the mayor and City Council showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; such accounts shall be accompanied with a statement of all receipts and disbursements, together with all warrants paid which, with any and all vouchers held, shall be filed with his/her accounts in the city clerk's office. The city treasurer shall also produce depository evidence that all city money is in a solvent financial institution in the name of the City. If he/she neglects or fails, for a period of ten days from the end of each and every month, to render his/her account, the office shall be declared vacant and the mayor and City Council shall fill the vacancy by appointment until the next election of city officials. ▫

(Ref. Neb. Rev. Stat. §17-606)

SECTION 1-207: CITY TREASURER; ANNUAL REPORT

The city treasurer is required to publish or cause to be published in a legal weekly newspaper published in or of general circulation in said city within 60 days following the end of each fiscal year a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the City. ▫

(Ref. Neb. Rev. Stat. §19-1101)

SECTION 1-208: CITY ATTORNEY; DUTIES

The city attorney, when appointed, shall be legal advisor to the mayor and the City Council and shall undertake all legal matters of the City as set forth by Nebraska statutes. The City Council shall have the right to pay the city attorney compensation for legal services performed on such terms as the Council and attorney may agree, and to employ additional legal assistance and to pay for such legal assistance out of the funds of the City. The city attorney shall: ▫

1. Commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the City, or that may be ordered by the Council. ▫

2. When requested, attend meetings of the Council and give the members an opinion upon any matters submitted to him/her either orally or in writing as may be required. ▫

3. Draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required, and ▫

4. Perform such other duties as may be imposed by general law or ordinance. ▫

(Ref. Neb. Rev. Stat. §17-610)

SECTION 1-209: CITY POLICE CHIEF; DUTIES

The duties of the city police chief will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council. The city police chief shall: ▫

1. Diligently inquire into any and all violations of city ordinances and state statutes; if he/she determines that a violation of city ordinances or state statutes has occurred, issue a written complaint and cause the arrest of such person. ▫

2. Make or cause to be made the necessary written complaint against any person under arrest for the violation of any city ordinances or state laws, and bring any such prisoner before the County Court whenever required to do so by rule or order of the county judge. ▫

3. Have general control over motor vehicular traffic and, together with such special officers detailed to assist as traffic officers by the mayor and City Council, shall direct the movement of traffic at intersections and elsewhere; and it shall be unlawful for any person to violate any order or signal of the city police or of any special traffic officer. ▫

4. Perform such other duties as may be required of him/her by resolution or by order of the mayor and City Council. ▫
(Ref. Neb. Rev. Stat. §17-107, 17-121)

SECTION 1-210: PUBLIC WORKS SUPERINTENDENT

The duties of the public works superintendent will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council. The public works superintendent may be removed for good cause by a two-thirds vote of the City Council. ▫

SECTION 1-211: STREET SUPERINTENDENT

1. The public works superintendent, acting as the street superintendent, shall have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the City and shall perform such other duties as the Council may require. It shall be his/her responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He/she shall, at the request of the Council, make detailed reports on the condition of the streets, sidewalks, culverts, alleys and bridges of the City, and direct their attention to such improvements, repairs, extensions, additions and additional employees as he/she may need to maintain a satisfactory street system in the City, along with an estimate of the cost thereof. It shall be the special duty of the street superintendent to supervise and direct the snow and tree removal work in the City. ▫

2. The duties of the street superintendent will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council. ▫

(Ref. Neb. Rev. Stat. §17-107, 17-119)

SECTION 1-212: SPECIAL ENGINEER

The City Council may employ a special engineer to make or assist the city engineer in making any particular estimate, survey or other work. The special engineer shall make a record of the minutes of surveys and all other work done for the City. When directed by the City Council, he/she shall accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the Council. He/she shall, upon request of the Council, make estimates of the costs of labor and material which may be done or furnished by contract with the City and make all surveys, estimates and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric systems, waterworks, power plants, curbing and gutters, and the improvement of streets and erection and repair of buildings. He/she shall perform such other duties as the City Council may require. All records of the special engineer shall be public records which shall belong to the City and shall be turned over to his/her successor. ▫

(Ref. Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919)

SECTION 1-213: BUILDING INSPECTOR

The building inspector shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as may be directed. He/she may be removed at any time for good and sufficient cause by the City Council. The building inspector shall: ▫

1. Conduct surveys and make inspections in any area of the City to determine whether all buildings and structures are in compliance with the municipal ordinances. ▫

2. Investigate all complaints, whether verbal, written, or in the form of a petition, alleging and charging that a violation of the municipal ordinances exists and that a building or structure is unfit or unsafe for human habitation. ▫

3. Upon properly identifying himself/herself, be authorized to enter, inspect, survey and investigate any building between the hours of 8:00 A.M. and 5:00 P.M., or at any time if an emergency exists, or if requested by the owner or occupant thereof. ▫

4. Keep records of all complaints received, inspection reports, orders, and complaints issued. The records shall be available for public inspection, and he/she shall prepare an annual report including statistics based on the records kept. ▫

5. Have no financial interest in the furnishing of labor, materials or ap-

pliances for the construction, alteration, or maintenance of a building except where he/she is the owner of a building, and he/she shall not act as an agent for any said dealer, or as an agent for the sale, lease, or rental of any real estate. ▫

SECTION 1-214: ELECTRICAL INSPECTOR

The building inspector, acting as the electrical inspector, shall enforce all laws relating to the installation of electrical wiring, and connections thereto. When acting in good faith and without malice in the scope of his/her official duties, he/she shall not be held personally liable for any damage that may accrue to persons or property as the result of any act required by him/her or by reason of any act or omission in the discharge of his/her duties. Said inspector shall, in the discharge of his/her official duties and upon proper identification, have authority to enter into any building, structure or premises at any reasonable hour and shall perform such other duties and issue any permits that the City Council may direct. The electrical inspector may be removed at any time for good and sufficient cause by the City Council. ▫

SECTION 1-215: PLUMBING INSPECTOR

The building inspector, acting as the plumbing inspector, shall enforce all laws relating to the installation of plumbing and connections thereto. When acting in good faith and without malice in the scope of his/her official duties, he/she shall not be held personally liable for any damage that may accrue to persons or property as the result of any act required by him/her or by reason of any act or omission in the discharge of his/her duties. Said inspector shall, in the discharge of his/her official duties and upon proper identification, have authority to enter into any building, structure or premises at any reasonable hour and shall perform such other duties and issue any permits that the mayor and City Council may direct. The plumbing inspector may be removed at any time for good and sufficient cause by the City Council. ▫

SECTION 1-216: ZONING ADMINISTRATOR

The building inspector is hereby designated as zoning administrator. ▫

ARTICLE III - ADMINISTRATION

SECTION 1-301: CORPORATE SEAL

There shall be owned by the City, in the office of the city clerk, a common seal of the corporation, having engraved thereon the words "City of Valley, Nebraska, Seal." The city clerk shall affix an impression of said seal on all papers or documents executed by him/her in his/her official capacity. ◻ (Ref. Neb. Rev. Stat. §17-502)

SECTION 1-302: OFFICERS, BONDS

1. The officers of the City, before entering upon their duties, shall give bonds for the faithful performance of their duties in an amount set by resolution of the City Council, which said bonds shall be executed with a corporate surety and approved by the Council. Said bonds shall be filed in the office of the city clerk. Premiums on said bonds shall be paid out of the general funds or other proper funds of said city. ◻

2. In the event that sureties on the official bond of any officer of the City, in the opinion of the City Council, become insufficient, the Council may require by resolution a reasonable time within which such officer may give a new bond or additional sureties thereon as directed. In the event that this officer shall fail, refuse or neglect to give a new bond or additional sureties to the satisfaction and approval of the City Council, then the office shall, by such failure, refusal or neglect, become vacant; and it shall be the duty of the Council to appoint a competent and qualified person to fill this said office. Any official who is re-elected to such office shall be required to file a new bond after each election. ◻

SECTION 1-303: OATH OF OFFICE

All officers of the City, whether elected or appointed, shall declare and subscribe the following oath or affirmation before entering upon the duties of their respective offices:

"I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state

by force or violence. So help me God." This oath or affirmation so subscribed shall be filed in the office of the city clerk. ▫
(Ref. Neb. Rev. Stat. §11-101)

SECTION 1-304: MEETINGS, PUBLIC; NOTICE; OPEN MEETINGS ACT

1. All public meetings as defined by law shall be held in a public building located within the City, which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council usually holds such meetings, unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public, convened meetings shall be transmitted to all members of the City Council and to the public by a method designated by the Council. Such notice shall contain the time and specific place for each meeting, and either (A) an enumeration of the agenda subjects known at the time of the notice or (B) a statement that an agenda, kept continually current, shall be available for public inspection at the office of the city clerk. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The City shall have the right to modify the agenda at the public meeting when convened. The minutes of the city clerk shall include a record of the manner by which the advanced publicized notice was given, the time and specific place of each meeting and the names of each member of the Council present or absent at each convened meeting. ▫

2. In order to address any item on the agenda of any public meeting, no member of the public shall be required to be named on the agenda prior to such meeting, nor shall such members of the public be required to identify themselves by signing in prior to such meeting. However, prior to addressing the City Council on any agenda item, members of the public shall be required to identify themselves. ▫
(Ord. No. 579, 2/10/08)

3. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the city clerk shall show how each member voted or that the member was absent and did not vote. ▫

4. Any formal actions taken at any public meeting not in conformity with the provisions of this section shall be deemed to be void. Any official who shall violate the provisions of this section shall be deemed to be guilty of a misdemeanor. ▫

5. This section does not apply to chance meetings or to attendance at or travel to conventions or workshops of the City Council at which there is no meeting of the Council then intentionally convened, if there is no vote or other action taken regarding any matter over which the Council has supervision, control, jurisdiction or advisory power. ▫

6. The City Council shall make available at least one current copy of the Open Meetings Act, to be posted in the meeting room at a location accessible to

members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information. ▫

SECTION 1-305: MEETINGS; PLACE, DAY, TIME; QUORUM

1. The meetings of the City Council shall be held at the council chambers or other location set by the Council by resolution. Regular meetings shall be held on the second Tuesday of each month at the hour of 7:00 P.M. Special meetings may be called by the mayor or by a majority of the City Council for those purposes which shall be submitted in writing to the council members prior to said meeting. The call and object of said meeting shall be entered upon the journal by the city clerk as well as the disposition of said meeting. ▫

2. A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members. At the hour appointed for the meeting, the city clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the City Council shall be called to order by the mayor. In the absence of the mayor, the Council shall have the power to appoint a mayor pro tempore, who shall exercise and have the powers and perform the same duties as the regular mayor. ▫

(Ref. Neb. Rev. Stat. §17-105, 17-106)

SECTION 1-306: MEETINGS; ORDER OF BUSINESS

Promptly at the hour set by law on the day of each regular meeting, the mayor, the members of the City Council, the city clerk, and such other city officials as may be required shall take their regular stations in the City Hall, and the business of the City shall be taken up for consideration and disposition. ▫

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SECTION 1-307: MEETINGS; PARLIAMENTARY PROCEDURE

1. The mayor shall preserve order during meetings of the City Council and shall decide all questions of order, subject to an appeal to the Council. When any person is called to order, he shall be seated until the point is decided. When the mayor is putting the questions, no person shall leave the meeting room. Before speaking, every person shall rise from his/her seat and address the presiding officer, and while speaking shall confine himself/herself to the question. ▫

2. All resolutions or motions shall be reduced to writing before being acted upon if requested by the city clerk or any member of the Council. Every member of the City Council who is present when a question is voted upon shall cast his/her vote, unless excused by a majority of the Council present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the mayor before being debated. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Council making the motion or resolution shall also be entered. After each vote, a roll call vote shall be taken and entered in the minutes upon the request of any member of the Council. Before the vote is actually taken, any resolution, motion or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Council seconding the said resolution, motion or ordinance. When any question is under debate, no motion shall be made, entertained or seconded except the previous question or a motion to table or to adjourn. Each of the said motions shall be decided without debate. ▫

3. Any of the rules of the City Council for meetings may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not

made by these rules, *Robert's Rules of Order* is the authority by which the City Council shall decide all procedural disputes that may arise. ▫

SECTION 1-308: MEETINGS; CHANGE IN OFFICE

The change in office shall be made as follows: The mayor and Council shall meet on the first regular meeting date in December of each year in which a city election is held, and the outgoing officers and the outgoing members of the Council shall present their reports. Upon the old Council's having completed its business, the outgoing members of the Council shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his/her successor in office all property, records, papers and monies belonging to the same. ▫

SECTION 1-309: MEETINGS; ORGANIZATIONAL

1. The newly elected City Council shall convene in the council chambers on the first regular meeting in December of each year in which a city election is held, immediately after the prior Council adjourns, and proceed to organize the body for the ensuing year. The mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its members to be president. The mayor shall nominate his/her candidates for appointive offices and then proceed with the regular order of business. ▫

2. It is hereby made the duty of each and every member of the Council or his/her successor in office, and of each officer elected to any office, to qualify prior to the first regular meeting in December following his/her election. All appointive officers shall qualify within two weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his/her subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska and the laws of the City and to perform faithfully and impartially the duties of his/her office. Each officer who is required to give a bond shall file the required bond in the office of the city clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his/her office, with the oath endorsed thereon. ▫

SECTION 1-310: APPOINTMENT OF COMMITTEES

At the organizational meeting of the City Council, the mayor may appoint members of such committees as may be necessary from time to time, which committees shall serve at the pleasure of the City Council. The membership of such standing committees may be changed at any time by the mayor, who shall be a member ex officio of each standing committee. Each member of the standing committee shall serve a term of office of one year, unless reappointed. ▫

SECTION 1-311: SPECIAL MEETINGS

1. Special meetings may be called by the mayor or by three members of the City Council, the object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the city clerk. On filing the call for a special meeting, the city clerk shall notify the council members of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a Council member known to be out of the state or physically unable to be present. A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend. ▫

2. At the hour appointed for the meeting, the city clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the mayor, if present, or if absent, by the president of the Council. In the absence of both the mayor and the president, the Council members shall elect a president pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter I, Article IV. ▫
(Ref. Neb. Rev. Stat. §17-106)

SECTION 1-312: MEETINGS; CLOSED SESSIONS

1. The mayor and Council may hold a closed session by an affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. ▫

2. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to the Board. ▫

3. The vote to hold a closed session shall be taken in open session. The entire motion to close, the vote of each member on the holding of a closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion passes, then the mayor shall, immediately prior to the closed session, restate on the record the limitation of the subject matter of the closed session. In holding such a closed session, the Council shall restrict its consideration of matters during the closed portion to only those purposes set forth in the motion to close as the reason for the closed session. ▫

4. Any member of the Council shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session. Such challenge

shall be overruled only by a majority of the members of the Council. Such challenge and its disposition shall be recorded in the minutes. ▫

5. Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this section. No closed session, informal meeting, chance meeting, social gathering or electronic communication shall be used for the purpose of circumventing the provisions of this section. ▫

6. The provisions of this section shall not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction or advisory power. ▫

(Ref. Neb. Rev. Stat. §84-1410)

SECTION 1-313: MEETINGS; NOTICE TO NEWS MEDIA

The city clerk, secretary or designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at such meeting. ▫

(Ref. Neb. Rev. Stat. §84-1411)

SECTION 1-314: MEETINGS; PUBLIC PARTICIPATION

1. Subject to the provisions of this article, the public shall have the right to attend and the right to speak at meetings of public bodies. All or any part of a meeting of a public body, except for closed meetings called pursuant to Section 1-312, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing. ▫

2. It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself/herself. No public body shall hold a meeting in place known to be too small to accommodate the anticipated audience for the purpose of circumventing the provisions of this article. No public body shall be deemed in violation of this section if it holds its meetings in its traditional meeting place located in this state. The public body shall, upon request, make a reasonable effort to ac-

commodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. □

(Ref. Neb. Rev. Stat. §84-1412, 18-2438)

ARTICLE IV - ORDINANCES

SECTION 1-401: GRANT OF POWER

The City Council shall have the responsibility of making all ordinances, by-laws, rules, regulations and resolutions not inconsistent with the laws of the State of Nebraska as may be necessary and proper for maintaining the peace, good government and welfare of the City and its trade, commerce and security. ▫

(Ref. Neb. Rev. Stat. §17-505)

SECTION 1-402: TITLE

No ordinance shall contain a subject not clearly expressed in its title. ▫

(Ref. Neb. Rev. Stat. §17-614)

SECTION 1-403: STYLE

The style of all city ordinances shall be: "Be it ordained by the Mayor and City Council of the City of Valley, Nebraska:" ▫

(Ref. Neb. Rev. Stat. §17-613)

SECTION 1-404: INTRODUCTION

Ordinances shall be introduced by members of the City Council in either of the following ways: ▫

1. With the recognition of the mayor, a council member may, in the presence and hearing of a majority of the council members, read aloud the substance of his/her proposed ordinance and file a copy of the same with the city clerk for future consideration; or ▫

2. With the recognition of the mayor, a council member may present his/her proposed ordinance to the city clerk who, in the presence and hearing of a majority of the council members, shall read aloud the substance of the same and shall file it for future consideration. ▫

SECTION 1-405: RESOLUTIONS AND MOTIONS

Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one time in the presence and hearing of a majority of the council members. The issue raised by any said resolution or motion shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Council. A majority vote shall be required to pass any resolution or motion, and the vote on any resolution or motion shall be by roll call vote. ▫

SECTION 1-406: SUSPENSION OF RULES

In the event that three-fourths of the members of the Council present vote to dispense with the rule that ordinances of a general or permanent nature be fully read on three different days, such ordinances may be passed by reading the title one time when introduced, read by title a second time after the rule has been dispensed with, read at large a third time, and then put upon final passage. ▫

SECTION 1-407: PASSAGE

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of the council members. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days. ▫

(Ref. Neb. Rev. Stat. §17-614)

SECTION 1-408: EFFECTIVE DATE

The city clerk shall, within 15 days after the passage of any ordinance, publish the same in a legal newspaper of general circulation in the City or post the ordinance in the normal three public places. The ordinance shall then become effective upon publication or posting. ▫

(Ref. Neb. Rev. Stat. §17-613)

SECTION 1-409: EMERGENCY ORDINANCES

An ordinance passed to deal with riot, infectious or contagious disease or other impending danger, failure of a public utility or other emergency requiring its immediate operation shall take effect upon the proclamation of the mayor and the posting thereof in at least three of the most public places in the City. Such emergency notice shall recite the emergency, be passed by a three-fourths vote of the Council, and entered upon the city clerk's minutes. ▫

(Ref. Neb. Rev. Stat. §17-613, 19-3701)

SECTION 1-410: CERTIFICATE OF PUBLICATION OR POSTING

The passage, approval and publication or posting of any ordinance shall be sufficiently proven by a certificate under the city seal from the city clerk showing that the said ordinance was passed and approved, and when and in what paper the same was published, or when, by whom and where the same was posted. ▫

(Ref. Neb. Rev. Stat. §17-613)

SECTION 1-411: AMENDMENTS AND REVISIONS

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed. ▫ (Ref. Neb. Rev. Stat. §17-613)

ARTICLE V - FISCAL MANAGEMENT

SECTION 1-501: FISCAL YEAR

The fiscal year of the City shall commence on October 1 and extend through the following September 30. ▫

(Ref. Neb. Rev. Stat. §17-701)

SECTION 1-502: BUDGET PROCEDURE

The *Manual of Instructions for City/Village: Budgets*, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation and shall be followed wherever practicable. ▫

SECTION 1-503: BUDGET STATEMENT

1. The City Council shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill," in which the Council shall appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the City. Such budget statement shall be prepared on forms prescribed and furnished by the Nebraska Auditor of Public Accounts and shall contain that information required by the *Manual of Instructions for City/Village: Budgets*, prepared by the state auditor. ▫

2. The annual appropriation bill shall not be amended without a majority vote of the City Council after a public hearing. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the City. The income arising from the operation of proprietary functions shall be deemed especially appropriated to the payment of the current expenses of and to the cost of improvements, extensions and additions to such functions and shall not be included in the annual appropriation bill. ▫

(Ref. Neb. Rev. Stat. §13-504)

SECTION 1-504: BUDGET HEARING

Subsequent to the filing of the proposed budget statement, the City Council shall publish a proposed budget and conduct a public hearing thereon. Notice of the place and time of the said hearing, as well as a copy of the proposed budget, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. After such hearing, the statement shall be adopted, or amended and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption. ▫

(Ref. Neb. Rev. Stat. §13-506)

SECTION 1-505: BUDGET FILING

The City Council shall file with and certify to the levying board and file with the Nebraska State Auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. Such filing shall be made on or before September 20th. The City Council shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding 5% of the amount to be levied, plus the actual percentage of delinquent taxes for the preceding tax year. ▫

(Ref. Neb. Rev. Stat. §13-508)

SECTION 1-506: ANNUAL AUDIT

1. The City Council shall cause an audit of the city's accounts to be made by a qualified, independent accountant as expeditiously as possible following the close of the fiscal year covering all financial transactions and affairs of the City for such preceding fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the City. Such audit shall be completed and the annual audit report made by such accountant submitted within six months of the close of the fiscal year, unless an extension of time shall be granted by a written resolution of the City Council. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the City as well as an opinion by the accountant with respect to the financial statements.

2. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately, and the results of such audits shall appear separately in the annual audit report. Such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles.

3. The auditor shall submit not less than three copies of the audit report to the City Council. Two copies of the annual report shall be filed with the city clerk, becoming a part of the public records of the clerk's office, and will at all times thereafter be open for public inspection. One copy shall be filed with the state auditor.

▫

(Ref. Neb. Rev. Stat. §19-2901 through 19-2909)

SECTION 1-507: ALL-PURPOSE LEVY

The City Council has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy in excess of the legal maximum as prescribed by state law upon the assessed valuation of all taxable property in the City, except intangible property. ▫ (Ref. Neb. Rev. Stat. §17-702)

SECTION 1-508: CONTRACTS

1. Except as provided in Neb. Rev. Stat. §18-412.01, for a contract with a public power district to operate, renew, replace or add to the electric distribution, transmission, or generation system of the City, no contract for enlargement or general improvements, such as water extensions, sewer, public heating system, bridges, work on streets, or any other work or improvement costing over \$30,000.00 shall be made when such cost is assessed to the property, unless it is first approved by the City Council. ▫

2. Except as provided in Neb. Rev. Stat. §18-412.01, before the City Council makes any contract in excess of \$30,000.00 for enlargement or general improvements such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the city engineer and submitted to the Council. In advertising for bids as provided in this section, the City Council may publish the amount of the estimate. ▫

3. Advertisements for bids shall be required for any contract costing over \$30,000.00 entered into: ▫

- A. For enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, or ▫
- B. For the purchase of equipment used in the construction of such enlargement or general improvements. ▫

4. The city electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is: ▫

- A. \$30,000.00 or less; ▫
- B. \$60,000.00 or less and the electric utility has gross annual revenue from retail sales in excess of \$1,000,000.00; ▫
- C. \$90,000.00 or less and the electric utility has gross annual revenue from retail sales in excess of \$5,000,000.00; or ▫
- D. \$120,000.00 or less and the electric utility has gross annual revenue from retail sales in excess of \$10,000,000.00. ▫

(Ref. Neb. Rev. Stat. §17-568.01) (Amended by Ord. No. 580, 2/10/08)

SECTION 1-509: CLAIMS

All claims against the City shall be presented to the City Council in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the City in any action brought against it for an unliquidated claim which has not been presented to the City Council to be audited, nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the city treasury for the appropriate fund against which it is to be drawn, provided that in the event there exist obligated funds from the federal and/or state government for the general purpose of such warrant, then such warrant may be drawn in excess of 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn. ◻ (Ref. Neb. Rev. Stat. §17-714, 17-715)

SECTION 1-510: WARRANTS

All warrants drawn upon the city treasury must be signed by the mayor and countersigned by the city clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included of such fund. ◻

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SECTION 1-511: TRANSFER OF FUNDS

1. Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the City Council may, by a majority vote, transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the City Council may propose to supplement the previously adopted budget

statement and shall conduct a public hearing, at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of any such hearing. ▫

2. Notice of the place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement stating the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published. ▫

3. Upon the conclusion of the public hearing on the proposed supplemental budget and approval by the City Council, said board shall file with the county clerk and the state auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The Council may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor. ▫
(Ref. Neb. Rev. Stat. §13-510, 13-511)

SECTION 1-512: SPECIAL ASSESSMENT FUND

All money received on special tax assessments shall be held by the city treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made. ▫ (Ref. Neb. Rev. Stat. §17-710)

SECTION 1-513: SINKING FUNDS

1. The City Council, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the City for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension or repair of the approved uses as authorized by state law. ▫

2. To initiate the said sinking fund, the City Council shall declare its purpose by resolution, to submit to the qualified electors of the City the proposition to provide the improvement at the next general city election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety for three successive weeks before the day of the election in a legal newspaper of general circulation in the City. ▫

3. The sinking fund may be established after the election if a majority or more of the legal votes were in favor of the establishment of the fund. The City

Council may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law. The funds received by the city treasurer shall, as they accumulate, be immediately invested with the written approval of the City Council in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the City Council is authorized to do so by 60% of the qualified electors of the City voting at a general election favoring such a change in the use of the sinking fund. ▫

(Ref. Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

SECTION 1-514: DEPOSIT OF FUNDS

The City Council, at its first meeting in each fiscal year, shall designate one or more financial institutions of approved and responsible standing in which the city treasurer shall keep at all times all money held by him/her; provided, if more than one financial institution in the City meets the requirements for approved financial institutions as herein defined, the said funds shall be deposited in each of them and the city treasurer shall not give a preference to any one or more of them in the money deposited. A bond shall be required from all financial institutions so selected, in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits. ▫

(Ref. Neb. Rev. Stat. §17-607, 77-2362 through 77-2364)

SECTION 1-515: INVESTMENT OF FUNDS

The City Council may by resolution direct and authorize the city treasurer to invest surplus funds in the outstanding bonds or registered warrants of the City, and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased. ▫

(Ref. Neb. Rev. Stat. §17-608, 17-609, 72-1259, 77-2341)

SECTION 1-516: EXPENDITURES

No city official shall have the power to appropriate, issue or draw any order or warrant on the city treasury for money unless the same has been appropriated or ordered by ordinance, or the claim for the payment of such order or warrant has been allowed according to Nebraska law and funds for the claim or out of which said claim is payable had been included in the adopted budget statement according to law. ▫

SECTION 1-517: BOND ISSUES

The City Council may, after meeting all the requirements of state law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The Council shall have the authority to levy special assessments for the payment of

interest and principal on such bonds and may spread the payments up to the maximum number of years permitted by state law. □

(Ref. Neb. Rev. Stat. §10-201 through 10-411, 10-606 through 10-612, 12-1001, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-3513, 39-836)